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DWCNewsline

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Division of Workers' Compensation benefit notice regulations approved by Office of Administrative Law

The Division of Workers' Compensation (DWC) has received approval from the Office of Administrative Law (OAL) for its revised benefit notice regulations and regulations requiring notice to covered employees upon the termination or cessation of use of a medical provider network. The regulations are found in Title 8, California Code of Regulations, sections 9796.1, 9796.16, 9810, 9811, 9812, 9813, 9813.1 and 9813.2.

The final regulations were filed with the secretary of state on Dec. 11, 2007 and will be effective for all benefit notices required to be sent on or after April 9, 2008. The approved regulations, as filed with the secretary of state, can be found on the DWC Web site at http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNoticeRegulations/BenefitNotice_regulations.htm. Also available at that Web site are the final statement of reasons for the rulemaking, a summary of public comments made during the rulemaking and the division's responses to those comments.

The final approved regulations have slight, non-substantive changes in numbering, so older versions of the proposed regulations should be discarded.

As with past revisions to the benefit notice regulations, now that the regulations have been approved by OAL, the DWC administrative director is drafting sample benefit notices that will satisfy the substantive requirements of the regulations as amended. In order to ensure that the sample notices are both informative and "user friendly," once they have been completed, the administrative director will assemble a small advisory group to review and comment on the sample notices. The committee will consist of representatives selected from all interested parties. Once they have been finalized, the sample notices will be made available on the division's Web site.

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